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Res Gestae

Vol. 30, No. 7

The University of Michigan Law School

Wednesday, October 28, 1981

At Long Last Library

A Proud Father



Gunnar Birkerts

"They are all like children," says Gunnar Birkerts of his projects. "You don't say, 'I like him better than her.' We don't build many buildings a year, but there is equal dedication in each one, and they are all well attended."

Birkerts, 56, a Latvian native who came to America in 1949, designed the law school's new library addition. Never before had he designed a structure so thoroughly submerged. Last week he talked with R.G. Managing Editor Jeff Blake about the law quad's new baby.

Q: Was the decision to go underground made solely to avoid clashing your work with the law quad's Gothic appearance?

A: I'd say that's right. We couldn't possibly duplicate the architecture on the rest of the quad.

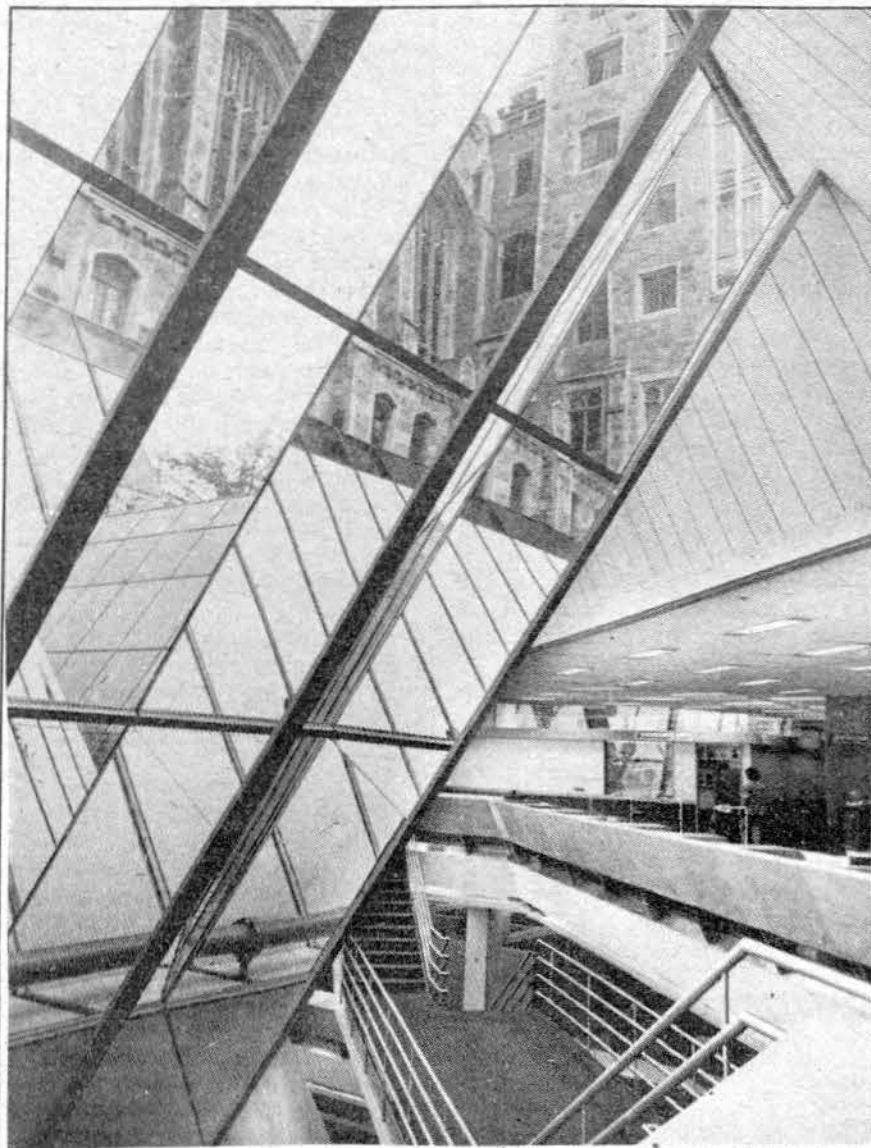
Q: Aside from the energy savings arising naturally because the new building is underground (Professor Pooley says these amount to 30 percent), did you consider incorporating any other energy-conserving features, such as solar heating?

A: No. I do not think the whole solar-heating technology is developed enough to have subjected the library to it. Also, the whole technology (of solar heating) is ugly—the paraphernalia, the collector panels, for instance. And our orientation on the law quad, because it (the addition) is on the west side, is not particularly adapted to a passive solar-heating system.

Q: Given that the building would be underground, what were you trying to achieve? Is there a personal statement in there?

A: I would say there are two major objectives I was trying to achieve. First,

See Birkerts, Page 2



Seven years and \$9.5 million later, the inside view

Res Gestae Photo by Kim Hill

Finding Flaws In the Spacious Oddity

by Cliff Douglas

The new Law Library addition is already a hit. Intruding only a little bit on the decades-old Reading Room, the addition sits below ground-zero like a majestic prop from "2001."

With warranted pride, Library Director Beverley Pooley says that "everybody—the students, the community and, importantly, the alumni [the primary footers of the bill]—have all said that 'it's so much better than we thought it would be.'"

Nevertheless, in deference to the adversarial process, it should be made public that comment has arisen regarding perceived flaws in the design and architecture of "The Pit."

One of the first things one notices upon entering the depth is, as one punk-rock/law student describes it, "the disco color scheme." The initial stretch

of brown carpeting leading down from the Reading Room breaks abruptly into vivid green at Sub-1.

Comments have ranged from Julie Caroff's "The astroturf green is objectionable," to John Shea's, "I'm going to steal a windmill from a miniature-golf course and set it up down here for some serious putt-putt."

There is, however, an interesting and valid reason for the carpet's color scheme. As Professor Pooley explains, the addition's color coordination is dominantly green and brown to approximate nature's natural colors—those of vegetation and soil.

Yet the juxtaposition of the carpet's brown and green with the burgundy chairs and "Sherman & Sterling gray" (description c/o Bill Dixon) balcony stools can be quite jarring, especially

See Flaws, Page 2

Dignitaries Arrive For Dedication

by Cub Schwartz

After seven years of planning, three and a half years of construction and two weeks of intensive spit-and-shine cleaning, the new addition to the Law Library is ready for dedication this weekend. Between four and five hundred alumni, faculty and friends of the law school, including retired Supreme Court Justice Potter Stewart, are expected to attend the dedication ceremony which will be held at 2:00 p.m. Saturday in Rackham Auditorium.

The dedication ceremony will cap a series of lectures and symposia that run Friday and Saturday mornings on the subject "The Legalization of American Society." Because of the special program, Friday and Saturday classes are cancelled.

On Friday morning Professor David Chambers will discuss the legalization of the family, focusing on the transfer of decision-making power for many

See Dedication, Page 2

1934

A Quad Is Born

by Joe Hardig

The place is Ann Arbor, Michigan, on the grounds of the University of Michigan Law School. It is a sunny day, and a number of distinguished jurists have assembled to dedicate a new building. The date is June 15, 1934, and the building is actually an assemblage of attached buildings: the William Cook Law Quadrangle.

Then, as now, the gothic sandstone buildings effused a certain striking power and beauty, from their grass-covered foundations to the 90-foot towers of the Legal Research Building—the focal point of the Quad and an architectural tour-de-force.

The splendor of the new buildings signified both past accomplishments and expected advancements for the already flourishing Law School. The dedication featured spirited addresses by Roscoe Pound, then Dean of Harvard Law School and long an important legal thinker and writer, and Harlan F. Stone, then Associate Justice, and later to become Chief Justice, of the U.S. Supreme Court.

See 1934, Page 3

Birkerts, from page 1

there is the whole negative connotation of going down, of departing from the floor of the legal research building, of entering a catacomb. I think that has been overcome.

Second, it is important that once you are inside, that you don't lose your location, that you don't lose your relationship with where you came from. I still consider the legal research building the mother-building, and it is important that you are not orphaned by the fact that you have departed outside the horizontal plane and down three or four floors.

And I think that both of these have been satisfied . . . there is this continuous contact.

Q: You made a bit of an incision into the mother-building.

A: Well, it is almost like making an operation. Your surgeon will say, "It will hurt a little, but you will be all right, you will be better."

The legal research building is complete, but it does not function completely by itself, without the part underground, because that's where most of the activity will be. The legal research building only partially satisfies (the law school's) needs.

I like to have reverence to someone that's older, but still this added space had a birthright, and a right to live and to be recognized. And this incision, which fuses the two, well, I wanted to make a gesture that they both are co-existing, and they both depend on each other.

Q: Did you make an attempt to maintain the symmetry of the Reading Room?

A: Well, here I think we have to recognize that functionally, it was impossible to do that. (The stairway) had

to be on this side (of center) because of the desk and the stacks.

Q: Did you consider any alternatives for the entrance, such as putting in doors?

A: I think maybe I didn't make my point strong enough. They both have the right to exist, and the fact that the one is older and has assumed an older appearance doesn't mean that what's built today has to be subject to it. I think they both recognize each other.

Q: Are there other features of the addition you're particularly proud of?

A: I think that the way the exterior wall dissolves itself by this perpetual reflection that goes on . . . every five feet there are mirrors which allow the outside images to come in with a kaleidoscope effect. The outside image is broken, but it doesn't matter, because of this effect. I think that this is unique, and may be repeated.

Q: The lounge area doesn't have a ceiling. Won't the noise carry up into the study areas?

A: Well you know that the floor is carpeted, the side walls are carpeted, and there is a local absorption of sound to a great extent. There may be some carrying of the noise, but we'll have to see.

Q: Will you bring other pieces of art into the building?

A: We are considering two hangings that the school owns. But we just don't have much wall space.

Q: How sensitive are you to bringing in art?

A: I am sensitive to that, because the architecture is already addressing the question of texture, and color, so that art that is brought in has to be well considered. It has to have a certain affinity with what is already there.

Q: Anything you'd like to add?

A: I can only add that it was one of the great experiences in my career to work with the law school. And I am proud to have that building.

Dedication, from page 1

family decisions from the family unit to courts and social agencies. Also, Professor Chris Whitman will deliver a paper concerning the elevation of private rights to a constitutional level. Commentators will include Professor Robert Burt of Yale Law School and Professor Lea Brilmayer of Chicago Law School.

In the afternoon session Professor Tom Kauper will discuss the "new law of anti-trust" and Peter Steiner, professor of law and economics, will discuss the costs and benefits of economic regulation. Commentators are Roger Cramton of Cornell and Professor Sallyanne Payton.

The Saturday morning session will feature Theodore Lowi, noted author and professor of American Institutions at Cornell, speaking on the social and political causes for the legalization of American society. A panel discussion of the topic by Professors Allen, St. Antoine, Sax and Soper will follow.

"One of our major ideas in planning such a program was that it would be an intellectual event for the student body," said Dean Sandalow. "We wanted to raise questions that students are likely to be interested in and that are important to our society." The Dean urged students to attend the programs, which will be held at Hale Auditorium in the Business School.

The dedication address, entitled "Private Lawyers and Public Responsibilities," will be delivered by Judge Carl McGowan of the D.C. Circuit. Other speakers include John Pickering, who chaired the Capital Campaign that raised the 9.5 million dollars needed to

finance the addition; Gunnar Birkerts, who designed the addition; Justice Stewart; and various University officials. A reception in the Sub 1 level follows the ceremony.

In chairing the Campaign, Pickering has left a legacy of strong-arm recruiting tales which, if not apocryphal, will live at least as long as the addition. One "volunteer" fundraiser who chaired the effort in some of the midwest states refused the job several times, but Pickering continued to send him reports to be filled out and names of alumni to contact. Finally, he decided it was easier to take the job than tangle with Pickering.

Another alumnus involved in recruiting said Pickering often would send contributions back to people with a short note indicating that the amount should be increased.

Although fundraising went smoothly, construction of the addition was filled with problems. To begin with, the groundbreaking ceremonies were preempted by Michigan's great blizzard of 1978. When excavation for the 60-foot-deep pit finally commenced the dirt was piled up in the southeast corner of the quad creating "Mount Cook." Unfortunately, the man-made mountain threatened to kill the elm trees buried beneath and construction was slowed while the dirt was carted to the other side of the hole. Later that year it was moved back to the southeast side, and then later off to North Campus. To no one's surprise the excavation subcontractor was fired that summer and the general contractor finished the excavation.

In addition, a number of more traditional problems slowed construction, including labor problems, the concrete producers' strike, and poor weather.

Flaws, from page 1

when one is tired.

Ray Sterling highlighted another flaw when he confided: "The design of the urinals really pisses me off." Indeed, some have suggested that "For Midgets Only" signs should be placed above the urinals, since they are small and situated no more than seven inches above the bathroom floor.

Other complaints concern the installation of unenclosed public telephones in close proximity to the carrels on Sub-2 and Sub-3, and the danger of The Pit's stairways and balconies.

Regarding the stairway landings, some have observed that a typically befuddled law student (most likely a first-year) could slip through the gaps between the handrails and plummet to the concrete below.

Professor Pooley disagrees. He says that although such a mishap is not im-

possible, it would occur "only if we've got suicidal adults," and furthermore, children rarely enter the subterranean tundra.

The balconies pose another danger. A careless student letting a book fall through the gap at his or her feet "could kill someone below with a Corpus Juris Secundum or Calamari and Perillo," observes Sterling. However, now that footrails have been installed, one hopes that the danger is not so great.

Although there are and shall continue to be further problems, the clear consensus that emerges from one reporter's not-too-scientific survey is that The Pit is a wonderful addition to the Law School's physical plant. "As a rule, I'm not so hot on libraries," a typical wag opined recently, "but I prefer the Pit to the old Reading Room anyway."

Still, law students are taught to view things—and especially new things—with a skeptical eye. So, true to form, their verdict on the new addition is that, although it is very good, it is not perfect.

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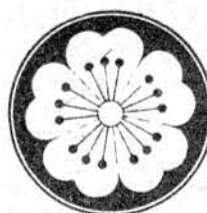
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Notices

Notices Policy

The *Res Gestae* welcomes notices concerning law school organizations and events. Notices must be typed, and must appear in that Wednesday's issue. They may be dropped off in the Drop Box next to the Senate office (opposite Room 218 Hutchins Hall) or at the R.G. office in Room 311 of the Legal Research Building (off the Reading Room).

The Curriculum Committee urges all students to read and comment on its memorandum detailing proposed changes in the first-year curriculum. The memo with attached questionnaire will be placed on the table in front of room 100 and at the entrance to the Reading Room by the end of this week. Law Partners will hold a Progressive Dinner on Saturday, November 14. All faculty members, students and their guests are invited. This is an event open to the entire law school community. Please RSVP as soon as possible by calling Linda or Paul at 973-1715, Nancy or Scott at 994-3836, or Gwen or Mark at 973-7057.

The International Law Society will host a Pumpkin Carving Party, complete with cider and doughnuts, on Thursday, October 29, 7:00 p.m. in the Cook Room, which is just inside Entrance N of the Lawyers Club.

1934, from page 1

The eloquent Justice Holmes sent the following message:

"Each stone plays its essential part in the total beauty of the buildings which you are today dedicating. In a similar way each legal institution, no matter how humble, contributes something to the structures of the law. But just as a planned grouping of certain stones imparts an especial dignity to these buildings, so we must appreciate the peculiar value to the law of such institutions as Michigan's Law School. May your new buildings for the years to come nobly serve their high purpose."

Though Holmes could speak confidently of the "beauty" and "dignity" of the Quad buildings, probably very few of the many thousands who have gazed upon them since have fully appreciated the extraordinary detail of their decoration. The four towers of the Legal Research Building boast seals of the forty-eight states of the Union. On the face of the northwest is a large, hand-wrought, electrical clock which can be seen from any part of the quadrangle. Offsetting this on the northeast tower is an equally large seal of the University.

The Reading Room itself is one of the wonders of the building. The heavily beamed ceiling, the stainless glass windows, and the striking chandeliers create the peaceful yet inspiring grandeur of a church.

As scores of alumni, students, visitors, and distinguished guests flood the Law Quad this Friday and Saturday for another dedication, it is certain that the gleaming subterranean wonder that is the subject of the ceremonies will be the center of attention. However, it would not be too surprising if at least a few of the celebrants strayed a little bit to poke around some of the dignified architecture that was first unveiled to the public on that sunny June day in 1934.

Attention Sec. 3, class of '83: Do you long for the days when no one volunteered in class? Do you miss the glamor of planning professorial political campaigns? Do you remember the good old days when no one knew "the" answer? And no one cared? Then come to the DUMB BUT COOL REUNION: Bacchus Garden—10 p.m.—Thurs., Oct. 29th (in the back). Friends, profs, and spouses welcome.

The Social Committee strongly encourages all law students, spouses, and friends to attend the annual HALLOWEEN COSTUME PARTY this Saturday, October 31 at 9:00 in the Lawyers Club Lounge. An award will be given for best costume. Admission to go to UNICEF.

Ethics Conference

The eighth semiannual Conference on Ethics, Humanism and Medicine will be held Saturday, November 14, at the School of Public Health. This fall's conference features several topics of interest to law students.

The conference lasts from 8:30 a.m. until 4:30 p.m. on Saturday, November 14. Posters and application blanks will be posted soon on bulletin boards in the law school. The registration fee for students is \$3.00, which includes coffee and lunch. Early registration is recommended because registration for popular topics (and the conference) is closed out early. For further information about the conference, call 764-6263 (8:30-4:30 weekdays).

Senate Winners

by Brian McCann

Four new Law School Student Senate members were elected from the first year class this past Monday. Turnout was heavy, about 80% for each section, but the One-L voters were largely of a like mind, as only one of the four races was close.

Commenting on the voter turnout, Kirk Messmer, past Elections Chairman and a principal organizer of this year's election, stated that he was surprised and very pleased with the number of students to show up at the polls.

For an election in which there were no real controversial issues, the turnout was very good, commented Messmer, and even better than that of last year's election, in which there were some issues to bring students to the polls. Messmer attributed the greater turnout

this year to the increased number of students running for the offices.

The lack of issues in this year's campaign, however, didn't seem to split the voting very evenly among the candidates. Only one race, the Section 3 contest, was won by less than a landslide. In that race Stephen Cassin edged out Bill Holmes by the slim margin of only 4 votes, 30 to 26.

The winners were as follows:

Section 4—Robert Fabian Hedges (32 votes)

Section 1—Robert Portman (44 votes)

Section 2—Debbie Bloom (53 votes)

Section 3—Stephen Cassin (30 votes)

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The Res Gestae

The University of Michigan Law School

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Is Michigan Dedicated to Excellence?

The dedication of the library addition is an important occasion for students of the Law School—past, present and future. The addition demonstrates a tangible commitment by the administration and alumni to ensuring that Michigan will continue to be a leader in the training of lawyers and will continue to influence the legal profession.

Whenever a new building is opened there is always excitement and curiosity generated. Undoubtedly the mere fact that a school is able to build such a building in and of itself enhances the school's prestige. However, the physical plant is merely one component of a law school successful in its true purpose—the preparation of good lawyers. Equally important to serving this purpose is an innovative curriculum.

Unfortunately, the commitment to this second component has been put somewhat in doubt by the potential elimination of the Clinical law program. A clinical law program is essential to maintaining a diverse, challenging curriculum. Without this valuable tool the creativity of the curriculum sputters and our legal environment suffers.

Clinical programs are an integral part of the curricula of major law schools around the country. They have proven their worth to many students. Yet Michigan's clinic program is much less developed than those at Harvard, Yale, Stanford or other top-rated law schools.

The Clinic has been in a perilous position for the past few years, due in large part to the absence of a firm financial base. No matter how much enthusiasm students demonstrate for the Clinic, when the money gets tight it is a natural candidate for elimination. The administration has demonstrated that, when motivated, it can successfully raise funds to achieve a goal. Its next goal should be to ensure the financial stability of the clinical programs.

The Islamic Imposition

by Jon Kurtzman

Across the moslem world, efforts are being made to institute Islamic law and to create Islamic states. We in the west have little understanding of this phenomenon. To us, Islamic law is an odd, medieval way of thinking. The political ramifications which will flow from the founding of Islamic states strike an alien chord in our largely secular, western minds.

Islamic law is not just a penal code, although that is the most visible aspect of it. We read, for example, that religious councils in Pakistan are arguing over how much of thief's hand should be cut off, should the amputation be surgical (as opposed to lopping it off), and should the punishment be televised. We also have heard about women being stoned to death for adultery and about the Saudi princess who was shot for that crime.

As gruesome and cruel as these punishments are, Islam has a way of explaining their necessity and fairness. The Islamic penal code is part of the Islamic state which is a part of and a reflection of the revealed word and nature of God. Islamic law regulates to a degree almost every area of a person's daily life; it is a set of religious and traditional precepts which have been translated by scholars and judges into sacred law. Since the fundamental of the law is the Koran, which every moslem must accept as divine, the Islamic legal system depends less on western ideas of fairness than on an unchallengeable, immutable ordering of life.

Islamic thinking assumes (like communist theory, oddly enough) that the creation of an Islamic state will result in utopia on earth, that the performance of God's wishes will bring to life a perfect society of righteous people. In a perfect society, an Islamic society, a person who breaks the law insults God. All law is God's law and those who

break it have placed themselves outside God's society. Lawbreakers deserve to be treated cruelly because they are not fit to live among the righteous. The severity of their punishments will serve to warn all potential transgressors that good moslems will not allow their religious state to be corrupted.

The problem is that Islamic thinking is not applicable to the current moslem countries because they are not even close to being perfect societies and because most moslems are not righteous. In Saudi Arabia, a wealthy man may very well keep and serve liquor that has been smuggled into the country. Men and women mix in private, drinking together and swimming together. The excesses of oil-rich moslems gambling in England and in Monte Carlo are legendary.

Throughout the history of Islam, there has been argument over the propriety of establishing a state ruled totally by the revealed word of God. Islamic judges and scholars have usually noted that Islamic law is out of place in a society which is not spiritually pure and ready to accept its whole stringent fabric. Most of the moslem governments of the past applied a lenient form of Islamic law.

Moslems, unlike Christians, have always been very tolerant of other religious groups living under moslem rule. Non-moslems are not members of the House of God and are held to a generally lower standard of conduct. For non-moslems and for most moslems in the past, merely living under the rule of a moslem government was considered religiously acceptable; given the spiritual immaturity of the people, it was religiously inappropriate to enforce Islamic precepts strictly.

Today moslems are trying to force Islamic law on themselves even though they are not ready for it. In a truly

Islamic state, the government, both national and local, and the wealthy provide for the poor so that no person needs to steal and all covetous urges are extinguished. In a truly Islamic state, men and women are separated and women are provided with strong marital property rights to insure that all sexual temptation is removed and that marriages remain strong. No one, in good conscience, can believe that the moslem countries meet these standards. Pakistan and Iran, for example, are so infested with sin that the concept of an Islamic state is a disgraceful joke.

The sad truth is that the new Islamic states are attempts by totalitarian dictators—military in Pakistan and Libya, religious in Iran—to impose their beliefs on the people in the vain hope that reality will conform to their hopes. Lenin, in 1917, tried the same thing; he wanted to force the establishment of a communist utopia by the imposition of the state and his will. Even he admitted that he was sidestepping the marxist theory that communism must arise naturally and through stages.

As we see with the Ayatollah and Khaddafi, when individuals try to impose their religious goals on an entire people, the result is a mockery of the ideal. Westerners must realize that these so-called Islamic states will last only as long as the men in power hold out. They have not created a true, lasting embodiment of the revealed words of God.

The west has one major worry. One of the absolute, essential truths of Islam is that those who are of God must rule those who are not of God. Madmen like Khaddafi feel that it is their holy duty to force the strictest form of Islam on all moslems. The result will likely be a wave of pan-Islamic feeling and continued political instability in the moslem world.

The author is a 3rd year student and the Arts Editor of the Res Gestae.

Kurtzman Chewed

To the Editor:

I read your article on German food with much interest, but also with some annoyance.

Your comment that maybe German food "calls forth the sound of tubas and marching feet" struck me as either a tired bit of stereotyping or a feeble attempt at humor.

Do you always hear sounds when you eat ethnic food? When you eat Japanese food do you hear the sound of ships sinking in Pearl Harbor? When you eat Mexican food do you hear the sound of a large

Army storming the Alamo?

How would you feel, Mr. Kurtzman, if a European newspaper would suggest that many people don't like "American food" in part because it calls forth the sound of planes destroying Vietnamese villages or (to go back further in American history) the sound of the cavalry charging at defenseless Indians?

World War II has been over for a long time—long enough for you to stop hearing the sound of tubas and marching

feet when you think of Germans or German food.

Sincerely,
Christine Kamisar

To the Editor:

Please inform Mr. Kurtzman that Ann Arbor does indeed have Mexican food. Fantastic tacos, burritos and ranchero can be found at my favorite restaurant, *The Central Cafe*. Just because it does not have a Mexican name—*El Cafe Central*—does not mean it should be overlooked.

Sincerely,
Senor Barry S. Rudofsky

Pro & Con

A WACS Sale Aids U.S. Interests

by Brian Dervishi

Perhaps my earlier predictions of an easy AWACS victory for the Administration were a bit too brazen. Surely, I naively thought, a Congress with the sense to pass the budget and tax cuts would grasp the compelling logic of the proposed sale. Alas, I now realize these Congressmen are a slippery lot. Nevertheless, here is why the sale should go through.

One: the AWACS package will significantly enhance Saudi security around the Gulf Region and will not endanger Israeli national security. On this point the public debate, as is usual on military matters, is vague and uninformed. Anthony H. Cordesman in the September issue of the *Armed Forces Journal International* analyzes the impact of the AWACS package on the Arab-Israeli strategic balance. Taking into careful consideration the armed forces, the weapons inventories, and the geography of the area in question, he concludes that in the context of a Saudi-Israeli conflict, and even a full-scale Arab-Israeli conflict, "The AWACS package is not... a significant military threat to Israel even under worst case conditions."

Two: the sale does not present the danger of the U.S. losing, via the Saudis, highly classified technology. Cap Weinberger, as recently quoted in *Aviation Week & Space Technology*, stated: "The AWACS does not represent the ultimate in U.S. radar and computer technology. The radar is

mid-1960s pulse Doppler textbook technology. A comparable computer is available commercially."

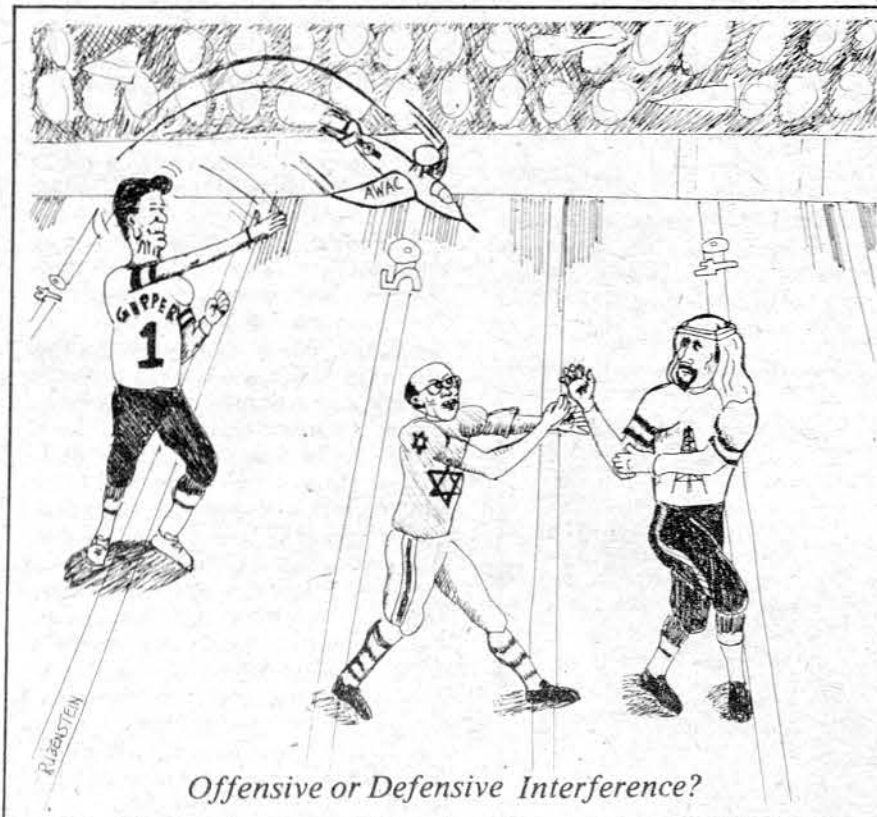
Three: the sale is necessary to encourage, in the words of the good General Haig before the Senate Foreign Relations Committee on October 5th, the recent emergence of Saudi Arabia. "... as a constructive and moderating influence in the Arab world." Unfortunately, one sees convoluted historical analogies about Iran bandied about in a

manner that should make any undergraduate history major blush while the immediate consequences of the sale are ignored. The consequences: the sale goes through and we have achieved closer security cooperation with our friends the Saudis, thus fulfilling one strategic objective—safeguarding the oil—and contributing to the fulfillment of the other—a peace settlement—by bringing the Saudis into closer relations with the U.S. To act as an effective arbiter in the search for peace in the Mid-

dle East the U.S. must be able to influence the major parties to the dispute, such as Saudi Arabia and the PLO, as Messrs Ford and Carter have now suggested. Cooperation with the Saudis in their defense needs offers a special opportunity to increase our influence with them. If the sale does not go through, Congress will have isolated the House of Saud from the U.S. as well as weakened pro-Western elements in the kingdom and further undermined the Saudi position of moderation among Arab nations.

Finally, nothing positive can come out of Congress' preventing the President from fulfilling a defense commitment to a friendly nation and forcing a partial abandonment of the U.S. role in the Mideast to others who may very well define their interests less spaciouly than does the U.S. Opponents of the sale cannot answer affirmatively the question Haig posed to the Senate committee: "Is it better to have a system in which Americans play a critical role and from which third-country nationals are excluded or to have a system in which our place is taken by British or French—or, for that matter by any other third-country nationals who might be brought in to operate a non-U.S. system?" Recent events make General Haig's conclusion to his testimony even more cogent: "This is not a time to impose severe strain on our relations with one of our closest friends in the region."

Brian Dervishi is a third-year student who delights in being able to publicly side with Nixon, Kissinger, and virtually every foreign policy advisor of the past three administrations.



Offensive or Defensive Interference?

AWACS Package Poses Threat

by Jim Brandt

Proponents of the AWACS sale cite several rationales to support their position, including: maintenance of the President's credibility and ability to negotiate abroad; encouragement of Saudi moderation on both security and oil issues; recognition of Saudi security needs, and minimization of the threat AWACS poses to Israel. Ultimately, these reasons are unpersuasive.

Our Constitutional system demands that the powers of each branch of the federal government be checked by other branches. The system's validity was demonstrated recently when President Nixon's neglect of Congress' role in foreign policy led to such excesses as the secret bombing of Cambodia. While most policy analysts would grant the President much leeway to conduct foreign affairs, the heavy burden Congress must meet to "veto" the sale—a majority of each chamber must disapprove—preserves presidential power, while checking presidential prerogative.

In the AWACS case, if Congress supports a sale it does not approve of, simply to preserve the President's credibility, its check on the President's power would be abrogated. One should remember that the AWACS problem arose because Reagan should have

gotten Congress' advice before concluding the agreement.

Supporters of the AWACS sale claim that America can somehow contribute to Saudi moderation by selling them our most sophisticated weaponry. Beginning with the security area, if the AWACS sale is the quid, what is the pro quo? The Saudis have not supported the Camp David Accords, America's policy framework for peace in the Middle East. The Saudis continually and vociferously criticize Israel and Egypt, America's closest allies in the area. Further, Saudi intransigence was underscored by their refusal to attend President Sadat's funeral. The Saudis have joined with Libya as the principal financiers of the P.L.O., hardly a proponent of moderation under any definition of the term. Clearly, the Saudis desire stability insofar as it permits the export of oil. But they will encourage such stability because it is in their national interest, and it will remain in their national interest whether or not we sell them AWACS. One finds little evidence of Saudi foreign policy being influenced by American actions.

In the economic area, the Saudis are responsible for lower oil prices. However, reasonable oil prices are in the Saudis' self-interest. Oil is the

Saudis' only commodity. Higher oil prices would encourage and make economically efficient "alternative technologies. Eventually Saudi economic growth would, therefore, be undercut. We do not have to encourage the Saudis to act consistently with their own economic well being. Furthermore, heavy Saudi investment in Western economies will prevent them from raising oil prices to a level that would severely shock the industrialized west—again, due to their self-interest.

The true threat to Saudi security is internal. Neither Ethiopia, which has proven unable to defeat even Somalia, nor South Yemen, still incapable of conquering North Yemen, poses serious threats to Saudi security. Though the Saudis may be obsessed with external threats to security, this concern is not based in fact and should not support the transfer of our most highly sophisticated technology. Furthermore, even Secretary of State Haig was recently forced to admit that even with AWACS the Saudis could not prevent an attack on their oil industry, such as that recently suffered by Kuwait (at the hands of Iranians, using American F 15s we had sold to a middle eastern monarchy suffering from a primarily internal threat). Finally, the Iranian case demonstrates the im-

potence of sophisticated weaponry in controlling domestic unrest.

Senator Moynihan recently pointed out that the Saudis' role in previous middle eastern wars was limited to bankrolling the Arab effort because they had no army and little weaponry to contribute. Now we are putting the most sophisticated weaponry in the world in the Saudis' hands. One can only postulate that it will not be directed against the Israelis by ignoring history. AWACS in Saudi hands will give the Arab nations the ability to survey Israeli air space at will. The threat this poses to Israel is clear.

The rationales cited in support of the AWACS sale are easily undercut. The reasons for aborting the sale: a fear that if the Saudi government falls, the AWACS will fall into hostile hands; the potential for the Soviets to gain access to the AWACS technology because Saudi security systems are notoriously weak; and a fear for Israel security seem overwhelming in contrast. Americans should be concerned that the AWACS transfer be judged with reference to our national interest. On balance, the AWACS sale is in the Saudis' national interest, but not in ours.

The author is a 3rd year student.

Arts

'True Confessions' Good for Soul

by Jon Kurtzman

Any movie with Robert DeNiro and Robert Duvall in it must be good. Their performances are always worth watching and they are such keen talents that any property in which they choose to appear has a prima facie stamp of approval. "True Confessions" has DeNiro and Duvall. It also has much more; "True Confessions" is one of the finest movies to come out of Hollywood in years.

In the 1940s, the place L.A., Duvall is Tom Spellacy, homicide detective. He's cynical, anti-religious, somewhat cruel, and rebellious. DeNiro is Desmond Spellacy, Monsignor and chancellor to the Cardinal. He's religious, sincere, calm, calculatingly ruthless, and ambitious. The story goes like this: a nude woman is found cut in a vacant lot, cut in half. As Tom Spellacy investigates the murder, he finds that the dead girl was intimate with many of the Church's most wealthy lay supporters. Des

Spellacy, in turn, while managing the Church's finances like a cold-fish accountant, discovers the corruption which envelops the archdiocese.

"True Confessions" is not a detective story, nor is it a lightweight morality play. Instead, it is an amazingly supple portrayal of brothers: their relationship, their feelings about their family, their conceptions of their jobs, and their senses of themselves. Like the best of novels, "True Confessions" investigates personal growth. It helps that John Gregory Dunne, who wrote the novel of the same name, and Joan Didion, his wife, wrote the screenplay.

The acting is perfect. It is sublime. Every role is well cast, every line well written and spoken. The most incredible thing about the acting and the movie as a whole is that the actors and actresses let their characters develop in layers as the movie progresses. They don't give away how the audience is

supposed to react to them; they are the characters and play each scene with regard only to what has happened, not what will happen. The effect is miraculous. The figures take shape like Rembrandt painting—each scene adds a layer of color to the characters' personalities, like coats of paint to the canvas of the audience's mind.

"True Confessions" is a modest movie. It doesn't read in thematic black and white like most Hollywood products. It really is a European movie made in America and, like many good European films, it builds its points subtly. Watching "True Confessions," the audience is often forced to search for meanings and connections until, suddenly and at some point (it varies from person to person), it all makes perfect sense. Many scenes don't have beginnings, middles, and ends; they just hang there, drawing strength from their context and from the accumulating power of the acting. The real joy in watching a movie like this is that one's understanding of it continues to grow in the days that follow.

The conception of "True Confessions" is probably too modest in its method for it to be considered a masterpiece. The directing and the sets take none of the chances which one normally associates with brilliance. They simply tell the story, effectively and economically. While the movie isn't flashy, it is perfect within its chosen sphere. "True Confessions" does not try to break new ground, either stylistically or thematically; it tells a good story well, not just a plot line but a full-fledged story with content.

"True Confessions" is filled with the kind of scenes that stick in one's memory. Perhaps the most compelling is a simple, half-realized scene at a lunch counter: Des Spellacy opens up to his brother, confiding that he has doubts about the purpose of his being a priest. Des's comment and Tom's almost embarrassed, non-reaction to it capture exactly the way brothers and other people who have grown up together communicate. Things don't have to be made clear. Indeed, they can't be made clear because of the tensions which relationships among family involve. The Spellacys, like most every family, love and hate each other. They are completely comfortable in each other's presence, as only brothers and sisters can be, but are completely uncomfortable because they are so different.

The only disheartening thing about "True Confessions" is that most reviews miss the point. Most reviewers feel that it is merely a detective story without an ending. These critics expected a detective movie—it is about a murder, isn't it?—and wanted a lot of fireworks between DeNiro and Duvall. When the movie turned out to be understated and complex, they couldn't handle it. Many appear not to have tried to understand the movie, but to have let their prejudices and hopes carry them away. These critics should get into Msgr. Spellacy's confessional and learn what really happens on the inside.

"True Confessions" is now showing at the Mann Theaters in the Fox Village shopping center at Maple and Huron.

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Sports

Golden Gophers Go For Another Upset

by Phil Dutt

This Saturday the Michigan Wolverines head to the north country to begin a four-game stretch that will determine whether the Blue can salvage anything of this football season.

Michigan's opponent will be Joe Salem's Minnesota Golden Gophers. Minnesota was the preseason pick to challenge the Big Two for the league championship, and while Wisconsin and Iowa have surprised many, the Gophers have also proved to be a strong team, especially at home.

Minnesota will miss Marion Barber, who graduated last spring, but this

year's contingent is much stronger than the gopherburgers that Anthony Carter and Company munched on last year en route to a 37-14 win. At quarterback are the coach's son, Tim Salem, and Mike Hohensee, who has seen most of the action this fall. The Gophers have some inexperienced running backs behind their veteran offensive line. On defense the Gophers also return eight veterans; Minnesota's special teams, however, were weak last year, particularly in the punting department.

The Fearless Forecaster sees this game as another close one. I'll take the Wolverines by four, but don't be surprised if the Blue gets upset.

Dogs Growling Again

The Law Dogs won their second IM football game of the year on Sunday evening by the lopsided score of 30-0. All the bounces went their way en route to their most impressive victory ever.

The defense was spectacular, led by that aggressive front line, Kirk Messmer, Rob Isackson and Doug Ellmann, which has been tagged the "Rough Brothers." The Rough Brothers constitute a departure from defensive strategy for the previous years as the Dogs are now turning to toughness instead of mere physical size. Although not a single of the Rough Brothers is over five foot nine, their Law School Student Senate experience has prepared them for the tough conditions in the trenches.

Aside from the ferocious rush, each defensive back picked off at least one pass, with safety Brian McCann snaring two. Coach Ross Crown at-

tributed the defensive success to the absence of starting cornerback Tim Swanson, last reported migrating South for the winter. Reliable sources report that Coach Crown is seeking to cancel all return flights from the West coast in an effort to keep Swanson wherever he is.

The offense was highlighted by the quarterback, General Bob Ling. Ling tossed for four touchdown passes to McCann while the rest of the team acted as decoys. Credit must also be given to the center, Kirk Messmer, who lowered the team's EHA (Errant Hike Average) to single figures.

The Rough Brothers promise to be back next week.

Sports Poll

The Sports Poll of October 14 was won by Chuck Jarrett, who edged Mike "C.M." Levey in a tiebreaker. Both had fine 16-4 marks. Loser of the week was Wayne Smith with a 6-14 record.

This week features few games between nationally ranked teams. (Keep your eyes on the Penn State-Miami game.) Circle the teams you think will beat the point spread and drop your entries in the Sports Poll box outside Room 100 before noon Saturday, October 31. The winner receives a coupon for a free pitcher of beer at Rick's American Cafe at 611 Church Street.

Michigan at Minnesota (5½)

Iowa at Illinois (6½)

Indiana at Michigan State (½)

Ohio State (1½) at Purdue

Northwestern (18½) at Wisconsin

Dartmouth (12½) at Yale

Penn State at Miami (Fla.) (8½)

Carolina at Maryland (7½)

Duke (1½) at Georgia Tech

Wake Forest (18½) at Clemson

Temple (16½) at Georgia

Miss. State at Alabama (7½)

Navy (6½) at Notre Dame

Colorado (25½) at Oklahoma

Arkansas at Rice (13½)

Texas Tech (11½) at Texas

Montana (13½) at Montana State

Stanford (4½) at Washington

Washington State (16½) at Southern Cal

UCLA at Oregon (5½)

Tiebreaker:

How many points will be scored in the Michigan-Minnesota game? _____

Name _____ Phone _____

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Features

The President Goes Underground

Mubarak was furious, his face distorted with rage. "Why are the returns in the southern district only 96% in my favor?" he shouted.

"You're right," I shot back. "Why the hell should anyone think twice about voting for you, especially with all the limelight you have been in the last few years? Mu-ba-rak—a name on the tongue-tips of every member of every household in all the world. Who could forget your crucial role in the Camp David accords? What did you do there again—drive the limousine?"

"Don't be sardonic, Ellmann, it doesn't become you." He regained his composure, walked over to the mahogany table and retrieved a cigar. "Besides, now we have the future of peace to worry about."

"We?" I asked.

"Yes, we. You will stay on as my advisor after the transition."

"No way, Jose," I said, picking up my Tourister luggage. "That wasn't part of the bargain. I have to be at the law library dedication this weekend."

by Doug Ellmann

When I left school last spring Dean Sandalow had not yet procured a keynote speaker for the library addition groundbreaking ceremony scheduled for Saturday. He therefore requested that I pen an address in the event that a reputable speaker could not be found. I subsequently learned that Justice Potter Stewart, the Honorable Carl McGowan, and Shaky Jake would appear. However, I would like to share with you my prepared remarks anyway:

"Fellow practitioners of the law, judges, faculty, students, members of the administration, amigos and chavereem, welcome to the dedication of the new library addition.

"You have had an opportunity to inspect this noble structure, and I believe you will agree that this building proves that those who would criticize the law as being too ethereal and not commonly rooted in the soil, are incorrect. This building is a further commitment to the importance of law, even under sea

level.

"Understanding the project is impossible without an appreciation for its history. The idea was concocted during one rather boring faculty meeting. One professor appeared with boxes filled with Lego, Build-O Blocks and Lincoln Logs. Several faculty members began the assembly with painstaking care. Soon the structure would no longer fit into the faculty lounge. A hole was dug. Several months later, the faculty was still hard at work, their fingers calloused by attaching so much Lego. More complex building materials were sent for and supplied by the Wham-O company, manufacturers of Frisbee and Water Wiggles.

"Today, everyone is suitably impressed with both the ingenuity of design and the artistic beauty. Most impressive is the process of melding the old Gothic architecture with the new modern construction. This has resulted in various odd entrances, oblique passageways and cloaked exits connecting the two buildings. The new library addition provides all the confusion of Detroit's Renaissance Center at a fraction of the cost.

"The building also hosts the latest available energy technology and provides students with the best possible climate in which to study. Having consulted with the Environmental Law Society, levels sub-2 and -3 are kept slightly below the heat generated by a nuclear power plant core. Sub-1 level is a tad warmer.

"Every visitor is awed by the energy-efficient mirrored skylight that illuminates the entire superstructure. Any student may look up during any part of the study day and see twelve identical and mirrored images of bird droppings on this magnificent window.

Further, every student appears bent with excitement by the electronic barriers at the library addition's entrance that grab perfectly at groin level whether one happens to be five or seven feet tall, or any height in between.



Res Gestae Photo by Paul Engstrom

Ell Presidente

"The administration has also taken steps to insure security. They have stationed a library guard at the entranceway so that law students who attempt to exit without checking out their books, and non-law students who seek admittance, can be laser-tracked and easily vaporized. After the Student Senate's decision to bar law school faculty members from the new addition, the guard had been instructed to 'shoot first and engage in a Socratic dialogue later.' Further comfort is offered by the reassuring sight of the 101st Airborne Division who are on maneuvers on level sub-1, and are busily hammering pitons and climbing the sheer cement cliff that supports the skylight.

"The new addition sports excellent exercise facilities. The United States Geological Survey has rated the climb up the steps to the reading room to be equal in difficulty to the south face of Everest. Sir Edmund Hillary, who

braved the expedition himself, was especially impressed with the descent highlighted by the treacherous 'one foot gap' between the right sloping stairwell and the wall.

"Already Michigan law students have taken to the library with the affection bordering on the ardor of an unburned leech. For example, assignment system places three law students in one carrel. One student uses the study area and the other two are neatly ensconced on the comfortable shelving behind the security designed glass casing. The system, already a boon to intra-carrel blind dating, also fosters three-person tag-team wrestling matches between carrels.

"The carrels have also been a source of good-natured fun even if disagreements have popped up among carrel mates. When I desire to use my carrel when it is occupied by one of my feisty partners, I enjoy sedating him with a tranquilizing dart gun in Mutual of Omaha Wild Kingdom fashion. One who revels in these safaris, though, ought to be considerate. It is *de rigueur* to tag one's prey after anesthetizing him, so that he can be easily reshelfed by the helpful library staff.

"In summary, whether you are whisking your carrel-mate away for tender beef fare at the elegant revolving restaurant on sub-level 2, 'Ms. Leary's Cow'; or disco-ing at 'Xenon Midwest,' alias the student lounge on sub-level 3; or cracking open those musty casebooks at the study tables, the library addition is where the action is."

(The marked displeasure of the audience fades into high-decibel boos. The Committee of Visitors is in an uproar with various fruits and vegetables at the ready. The Dean and members of the faculty are restrained only by the slim numbers of Campus Security. But by cleverly disguising myself as a lecturer, I have already left the stage.)

Law in the Raw

Compiled by Matthew Kiefer

A Marvel of a Name

Warner Communications, owner of D.C. Comics, which in turn owns the Superman trademark, has filed suit in federal District Court in Illinois to protect the trademark. It seems that the school newspaper of Richard Daley College in Chicago insists on calling itself the Daley Planet. The case has not yet gone to trial, but all parties are reportedly "hoping that Truth, Justice, and the American Way will prevail."

—National Law Journal, October 26, 1981

Ad Damnum

As Pro Football fans know, the hapless Chicago Bears have the worst record in the NFL. Recently, one disgruntled fan decided to take action. Following the team's loss to the previously winless Washington Redskins earlier this month, a Chicago salesman filed suit in small claims court charging consumer fraud. As damages, he is asking just over \$58, which represents the cost of two tickets, transportation to the game, and wages for a babysitter.

—NBC Nightly News, October 14, 1981

Trimming the Sails

The giant Omaha-based firm of Kutak Rock & Huie, noted for its progressive hiring and firm governance policies, has just fired 20 lawyers. "We were just overstaffed," explained head honcho Robert J. Kutak last week. True to form, half of those told to leave were partners, and none were first year associates.

—National Law Journal, October 26, 1981

Involuntary Servitude

Four leaders of a migrant labor crew who allegedly used marijuana to entice urban vagrants to work in a North Carolina labor camp digging potatoes, and then prevented them from leaving, have been indicted by a federal grand jury. Following the death of one worker who had been forced to continue digging even though he was spitting blood, the grand jury returned an indictment charging a conspiracy to enslave in violation of the 13th Amendment.

—New York Times, October 9, 1981

Goose Eggs

Following almost 9 years of litigation, Michelle Triola Marvin, live-in companion of actor Lee Marvin, has ended up with nothing to show for her efforts. Originally filing suit in California, a community property state, asking for about \$1.8 million as a property settlement following her separation, she was awarded just over \$100,000 at trial. The award was reversed on appeal, and the California Supreme Court has recently affirmed the appeals court ruling, without comment.

—New York Times, October 9, 1981

Quote of the Week

"Violent criminals are terrorists . . . they are more vicious than any other form of animal walking or crawling on this earth. There cannot be any thought of training, changing, or controlling these sub-humans. They must be isolated and removed from society."—Advertisement in the October 26 issue of the National Law Journal, entitled "An Angry Citizen Speaks Out," paid for by Victor Barough, a private citizen.